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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,657	03/20/2001	Brad Hammond	18133-075	2522
30623	7590	12/22/2003	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			BONZO, BRYCE P	
		ART UNIT		PAPER NUMBER
		2114		6

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,657	HAMMOND ET AL.	
	Examiner Bryce P Bonzo	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 March 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10-24 is/are allowed.
- 6) Claim(s) 1,3,5,6,8 and 9 is/are rejected.
- 7) Claim(s) 2,4 and 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1, 3, 5, 8 and 9 are rejected under 35 USC §102.

5 Claims 2, 6 and 7 are rejected under 35 USC §103.

Claims 4 is objected to while containing allowable matter.

Claim 5 is objected to as it contains minor errors.

Claims 10-24 are allowed.

10

Minor Informalities

Claim 5 while further limiting the invention is worded in such a way as to appear to not convey a complete thought. For purposes of the application of prior art, the limitation of having a power supply coupled to the network has been searched. Applicant is requested to change the sentence structure of claim 5.

15

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Beheshti (United States Patent No. 5,955,946).

As per claim 1, Beheshti discloses:

A notification system for at least one power supply coupled to a computer network and adapted to transmit data over the computer network when the at least one power supply undergoes an entry of a critical state, the notification system comprising (column 10, lines 37-41 and column 9, lines 55-56):

a computer system connected to the computer network, the computer system being adapted to (column 1, lines 5-9):

monitor information transmitted over the computer network and detect an occurrence of the data being associated with the entry of the critical state (column 8, lines 49-59);

store information relating to the data being associated with the entry and exit of the critical state (column 10, lines 50-62); and

report over the computer network information relating (column 9, lines 43-46) to a duration of the critical state (column 5, lines 35-53).

As per claim 3, Beheshti discloses:

a computer coupled to the at least one power supply and having a network card coupled to the computer network (column 8, lines 6-24).

As per claim 5, Beheshti discloses:

the at least one power supply coupled to the computer network (column 7, lines 43-52; column 9, lines 41-67).

5 As per claim 8, Beheshti discloses:

wherein the data being associated with the entry of the critical state is packetized data (column 8, lines 6-25: Ethernet and modems transmit packetized data, furthermore, SNMP is a member of the TCP/IP protocol suite which is packetized).

10 As per claim 9, Beheshti discloses:

wherein the data being associated with the entry of the critical state is a trap (column 8, lines 46-59 describe the SNMP trap; Figures 4 and 12).

Rejections under 35 USC 103

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6 and 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

25 Beheshti.

As per claim 2, Beheshti discloses all the limitations of claim 1 as provided above. Beheshti does not explicitly disclose:

wherein the power supply includes a network card coupled to the computer network for communicating with the computer network.

5 The Examiner asserts that it is well known and practiced in the art to provide add-in network cards to power supplies to enable communication on a network without the power supply communicating through an intermediary computer. This is done to allow direct communication and monitoring of the power supply. This allows the network administrator direct access to the power supply via the network, and removes
10 any point of failure that may have resulted from failed intermediary computer which would falsely indicate a failed power supply out of communication. Further, having the power supply directly integrated into the network power via its own network card allows supply to be monitored when supplying power to devices which themselves do not have network access. Thus it would have been obvious to one of ordinary skill in the art at
15 the time of invention to provide the well known network card for power supplies into the system of Beheshti which explicitly is for remote and distributed systems which may sustain power fluctuations, thereby allowing increased communication to the centralized server.

As per claim 6, Beheshti discloses all the limitations of claim 1 as provided
20 above. Beheshti does not explicitly disclose:

wherein the critical state is a loss of output power of a battery.

The Examiner asserts that the use of a battery as a power supply is notoriously well known. Batteries provide energy storage for times when external power is not available. Often systems will contain multiple layers of batteries to ensure against power failure. Remote stations often have many tiers of power back up as they, being remote these stations consume significant resources and time to repair. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to implement the power supply which is monitored in Beheshti as a battery, as this batteries are a prime choice for use remote and distributed environments. Beheshti his invention as being particularly well suited to such systems (column 11, lines 29-33).

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As per claim 7, Beheshti discloses all the limitations of claim 1 as provided above. Beheshti does not explicitly disclose:

wherein the critical state is a loss of communication with a power supply.

The Examiner asserts monitoring for a loss of communication with a power supply in a system designed to monitor a power supply is notoriously well known in the art and to its practitioners. The knowledge of whether a device under monitoring is actually communicating with the monitor is fundamental to monitoring the device, particularly in a system where the device provides the monitor the status information such as Beheshti. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to include a function to determine whether or not a power supply has lost communication with a monitor into the monitoring system of Beheshti and therefore

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provide the most rudimentary monitoring function (Is what I am monitoring even there?)
in addition to monitoring fine details such as power fluctuations.

Allowable Matter

5 Claim 4 is objected as containing allowable matter, while depending from a
rejected base claim.

Claims 10-24 are allowed.

The following is a statement of reasons for the indication of allowable subject
matter. Applicant is reminded the claims are allowed as a whole, and that any change
10 in scope via amendment may jeopardize this indication of allowance or allowable
matter. The italicized portions indicate the matter found to overcome the prior art.

As per claim 4:

A notification system of claim 1, wherein upon the occurrence of detecting the
15 occurrence of the data being associated with the entry of the critical state, *the
monitoring program continuously polls the power supply at predetermined time intervals
until a poll indicates that the power supply system has left the critical state.*

As per claims 10-15:

20 A notification system for a plurality of power supplies each coupled to a computer
network and each adapted to transmit a trap over the computer network when the
power supply undergoes an entry of a critical state, the notification system comprising:

a computer system connected to the computer network, the computer system being adapted to:

monitor information transmitted over the computer network and detect a trap being associated with the entry of the critical state, wherein upon detecting from a power supply the trap being associated with the entry of the critical state, *the power supply is polled at predetermined time intervals until a poll indicates that the power supply has left the critical state;*

store information relating to the trap being associated with the entry of the critical state of each power supply; and

10 report over the computer network the information relating to the duration of each critical state of each power supply.

As per claims 16 and 17:

A notification system for a plurality of power supplies each coupled to a computer network and each adapted to transmit a trap over the computer network when the power supply undergoes an entry of a critical state, the notification system comprising:

a computer system connected to the computer network, the computer system including: means for monitoring information transmitted over the computer network and detects a trap being associated with the entry of the critical state, wherein upon detecting from a power supply the trap being associated with the entry of the critical state, *the means for monitoring polls the power supply at predetermined time intervals until a poll indicates that the power supply has left the critical state,*

means for storing information relating to a duration of each critical state of each power supply; and

means for reporting over the computer network the information relating to the duration of each critical state of each power supply.

5

As per claims 18-20:

A method of providing over a computer network a notification of a power supply in a critical state, the method comprising:

monitoring the computer network for an indication that a power supply has
10 entered a critical state;

polling the power supply at predetermined time intervals until a poll indicates that the power supply has left the critical state;

storing information relating to the critical state of the power supply; and
reporting over the computer network the information relating to a duration of the
15 critical state of the power supply.

As per claim 21-23:

A method of providing over a computer network a notification of a power supply in a critical state, the method comprising:

20 monitoring the computer network for an indication that a power supply has entered a critical state;

if the power supply has entered a critical state, monitoring over the computer network for a status of a battery of a power supply;

if monitoring has indicated that the battery is operative and was previously inoperative, recording a time period that the battery was inoperative; and

5 if monitoring has indicated that communication is reestablished but was previously lost with the power supply, *recording a time period that communication was lost with the power supply.*

As per claim 24:

10 An article of manufacture, comprising:

 a computer usable medium having computer readable program code means embodied therein for providing over a computer network a notification of a power supply in a critical state, the computer readable program code means in said article of manufacture comprising:

15 computer readable program code means for causing the computer system to monitor the computer network for an indication that a power supply has entered a critical state;

computer readable program code means for causing the computer system to poll the power supply at predetermined time intervals until a poll indicates that the power

20 *supply has left the critical state;*

 computer readable program code means for causing the computer system to store information relating to the critical state of the power supply; and

computer readable program code means for causing the computer system to report over the computer network the information relating to a duration of the critical state of the power supply.

5

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday to Friday from 7:AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-15 3900.

Bryce P.Bonzo